



Freedom of Information Request Reference N^o: FOI 001265-19

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 1 April 2019 which you sought access to the following information:

“Between 1st Jan 2018 and 31st December (Incl)

Please details of every officer/Staff/PCSO/Special who received a Chief Constable's in the year 2018 and a description what they did to receive that commendation”

Response to your Request

The response provided below is correct as of 2 April 2019

Suffolk and Norfolk Constabularies have considered your request for information and the response is below.

5 Suffolk Constabulary police officers received a Chief Constable Commendation all for their involvement in a large complex and lengthy investigation into an attempted murder on 4 August 2015 in Bury St Edmunds. The investigation resulted in the conviction of 5 men for the conspiracy for murder. The name of the officers who received the award is provided below, with the exception of 2 officers who have requested no publicity.

PC Farrell
PC Flatt
DC Moore

78 Norfolk Constabulary police officers received a Chief Constables Commendation in relation to 24 investigations / inquiries.

DC 166 BARRON

DC Barron was instrumental in compiling a case involving drug dealers.

PC 1736 BARNES

PC Barnes is recognised for her professionalism and bravery when in January 2017 she grabbed and pulled a male to safety from the River Yare at Great Yarmouth.

Communications Officer FEENEY
CCR Supervisor HARTSTONE
CCR Deputy Supervisor MARRISON

A series of sexual assaults and robberies were reported which had just been committed in the early hours. They calmly ensured that relevant questions were asked, victims were safeguarded and evidence was secured.

PC 604 BLYTH
PC 521 VINCENT

PCs Blyth and Vincent were part of a Police Support Unit deployed to a rave. They showed great courage and resourcefulness when faced with a large group of drunken individuals who were threatening violence towards other police officers.

PC 1607 HARMAN
PC 1383 WHITMORE

Road traffic collision involving a male motorcyclist and upon arrival they located the casualty who was face down in a ditch. They ascertained that he was not breathing and immediately commenced first aid. Using their trauma first aid training skills they administered CPR and used a defibrillator as his heart had stopped beating. After approximately forty minutes the male began breathing of his own accord and his care was transferred to ambulance staff. The ambulance crew have stated that the officers undoubtedly saved the man's life.

PC 53 CARTER

Responded to a collision between an elderly cyclist and a car.
The officers provided medical assistance in heavy rain for over 2 hours awaiting the arrival of an ambulance. Their actions saved the gentleman's life and prevented the onset of hypothermia.

PC 449 BUCKLAND
PC 1597 LAWS

In November 2016 PC Buckland and PC Laws rescued an emotionally upset woman who had jumped into the freezing, fast flowing river Ouse from a bridge in King's Lynn.

Sgt 3469 GOSDEN

Sgt Gosden is congratulated for his outstanding leadership in North Norfolk in identifying and tackling offences across Norfolk against churches.

D/Sgt 3036 KNIGHTS

DS Knights is commended for her professional conduct, investigative supervision and compassionate support for a bereaved family.

Communications Officer LILLEY

LILLEY was nearing the end of a night shift when she took a call from someone reporting a female had been attacked. LILLEY's call was the first we received and without her alertness, good questioning and description of the offender, we may not have gone on to arrest the male, who was later given a life sentence.

PC 859 PETERS

PC Peters attended the address of a male who had been making threats to kill his wife. As first on the scene she was confronted by the male holding a samurai sword in each hand.

T/DCI 3030 FREEMAN

Miss GRADY

DC 1319 TAYLOR

The above officers and staff are commended for an exceptional investigation where team work secured vital evidence in relation to sustained serious sexual abuse against a number of child victims.

Names of the officers not included within the return and specific details have not been included as a result of exemptions within the Act.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1)(b) is to disclose information that has been confirmed as being held.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabularies, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice which:

- (a) States that fact**
- (b) Specifies the exemption(s) in question and**
- (c) States (if that would not otherwise be apparent) why the exemption(s) applies.**

The information is exempt from disclosure by virtue of the following exemptions;

- Section 40(2) – Personal Data**
- Section 31(1)(a) – Law Enforcement**

Section 40 is an absolute and class based exemption and there is no requirement to consider the public interest.

One of the main differences between the Data Protection Act and the Freedom of Information Act is that any information released under FOI is released into the public domain, not just to the individual requesting the information. As such, any release that identifies an individual through releasing their personal data, even third party personal data, is exempted unless there is a strong public interest in its release. The public interest is not what interests the public but what benefits the community as a whole.

Personal data is defined under the Data Protection Act as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life. It is defined by information relating to an identifiable living person who can be identified, directly or indirectly, by the disclosure of an identifier such as a name or an identification number. A name would therefore be considered relevant to this definition.

Principle (a) of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. When considering this principle, we first consider the lawfulness aspect in the disclosure of the officer's names. Lawfulness refers to occasions where disclosure would breach statute or common law obligations.

It is important to strike a balance between personal information that relates to an individual in their private life, or that which relates to them, in their professional capacity. The evaluation of the information to establish whether the data is professional or otherwise is complex and there is a requirement to be absolutely certain that the information is inherently linked to their professional capacity. Each commendation has been reviewed to establish its nature and the officers involvement. It is clear that the information relates to the officers in their professional role, however that would not always mean information should be disclosed.

A number of officers and staff have since left the Constabulary and therefore their consent cannot be obtained for the disclosure for the purpose of an FOI request. Additionally, all officers and staff have been contacted and a number have requested the exemption of their name owing to the sensitivities of the operation or investigation for which the commendation was given.

The Constabularies have a duty to ensure that the Data Protection Act is not breached as a result of disclosures under the Freedom of Information Act. Even though one could argue such information pertains to officer / staff professional life. The ceremonies in Norfolk Constabulary are held in private and the details are not publicised. The expectation therefore of the staff and officers would be that their personal information would remain confidential unless they have provided their express consent.

This links in with the redaction at Section 31, where there is a requirement to ensure officers identities are protected so as not to compromise future sensitive and covert operations.

Additionally, we must consider that the disclosure of an officer's name may identify them to an associate of the investigation, which would in turn place those officers at risk of future reprisal.

The Constabulary considers that the transparency element has been met by the provision of the information within the response.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original Policing requirement for the processing of the information and would not be lawful or fair to the individuals in question.

It is for these reasons outlined above; that I feel the principle would be breached by this disclosure and the Section 40 exemption remains in place. I am not obliged to consider any further principle in my arguments.

This is an absolute, class-based exemption and, as such, there is no requirement to consider the public interest test.

Section 31 is a qualified and prejudice based exemption and there is a requirement to consider the harm in the information being disclosed, and conduct a public interest test.

Harm

The provision of the redacted information would identify sensitive operations that have been undertaken by the Constabulary. Such information, including the officers names, would not be disclosed if to do so would have a detrimental effect on the law enforcement capabilities of either Constabulary in the future.

Factors Favouring Disclosure – Section 31

There is a public interest in recognising officers who have undertaken exceptional work in their normal duties.

Factors favouring non-disclosure – Section 31

The disclosure of information that could impede future investigations and law enforcement capabilities would not be disclosed under FOI.

The provision of the information confirming numbers acknowledges the public interest, whilst ensuring information is not disclosed that would jeopardise the work undertaken by these officers in future investigations.

Balancing Test

The public interest in the disclosure is more of interest than to identify where public funds are being spent, as commendations are presented at no cost to the Constabularies. However the fact that disclosure could impede future law enforcement strategies and risk the safety of officers is a reason to withhold the information.

It is for the reasons outlined above that Section 31 is engaged.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;

<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 40 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700